

19 January 1984
OLL: 84-0099/1

MEMORANDUM FOR: General Counsel

ATTENTION:

STAT

FROM: Deputy Director, Office of Legislative
Liaison

SUBJECT: Meeting at SSCI Re Former Spouse
Legislation

1. Attached herewith, for your information and any action you deem appropriate, is a Memorandum for the Record prepared by of this Office.

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2. It is clear, of course, that the allegations and accusations made by the former spouses and about-to-be former spouse who attended Subject meeting must be read with some skepticism since they are hardly unbiased reporters. Nevertheless, I think it might be appropriate, without of course doing a major investigation, to determine whether there is any validity to the complaints recorded in the attached so that we can be prepared in the eventuality that there is a follow-up by the SSCI. You should know, in this connection, that Ms. Toensing is about to leave her job as Chief Counsel of the SSCI. Consequently, the likelihood of follow-up is not overwhelming.

3. I would appreciate your comments.

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Attachment

cc: D/OP

Distribution:

Original - Addressee

1 - D/OP

1 - D/OLL

1 - DD/OLL

1 - C/Leg Div/OLL

① - OLL Subject

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DD/OLL:EM:m1g (19 Jan 1984)

OLL 84-0099
10 January 1984

MEMORANDUM FOR THE RECORD

FROM: [REDACTED]
Legislation Division, OLL

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SUBJECT: Meeting at SSCI Re Former Spouse Legislation

1. At the request of Vicki Toensing, Chief Counsel, Senate Select Committee on Intelligence (SSCI), I met with her and three former spouses of Agency employees and one current spouse of an Agency employee regarding Agency implementation of our former spouse annuity legislation in Central Intelligence Agency Retirement and Disability System (CIARDS). This meeting took place at the SSCI offices on 5 January 1984. Present were: Vicki Toensing, myself, [REDACTED]

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The purpose of this meeting was to allow these individuals an opportunity to express their concerns and the problems they have encountered in attempting to receive their annuity, or information concerning their rights to an annuity, from the Agency. Attached to this memorandum is a list of recommendations for the Agency with regard to former spouses of Agency employees which was drafted by [REDACTED]

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2. The main concern voiced by all present is that there appears to be a lack of adequate notice being given both former and present spouses of Agency employees as to their entitlements under the former spouse annuity legislation. One woman present is a former spouse who, at no time, has received any notification of her rights to a portion of her former husband's annuity. Another woman present is currently married to an Agency employee and has just returned ahead of her husband from an overseas tour. At no time during this tour did she ever receive any type of notification of this legislation.

3. Another major concern that was voiced by all is the lack of awareness among Agency spouses of the existence of the Family and Employee Liaison Office. However, even those women present who had become aware of this office and had called this office for information concerning the annuity entitlements found that the personnel of the office were either unaware of the existence of the former spouse legislation or totally unprepared to answer any questions regarding its provisions or to refer the caller to an appropriate office or individual for further information.

4. According to the reports at this meeting, conflicting information is being given former spouses as to the status of the implementing regulations. One woman was told that the implementing

regulations are classified and, therefore, unavailable to her. Another woman was told that the implementing regulations were not yet completed. In addition, some women have been told that the Agency would be developing a "fact sheet" which would be available to current and former spouses to inform them of the benefits granted under this legislation and the procedures which should be undertaken to secure these benefits. To date this fact sheet has not been produced to the extent of their knowledge.

5. Other problems which were mentioned during the course of this meeting included the difficulty former spouses are having in getting their medical records from the Agency. Another problem mentioned was the disadvantage former spouses are under when they have worked for the Agency overseas on a contract basis and later in a post-divorce situation they are unable to list this work experience in obtaining employment here in the States.

6. One question raised by Vicki Toensing concerned the type of information regarding this legislation which is being given to new employees. It seems very clear to her that we have a responsibility to inform all new employees of the benefits conferred under this legislation.

7. Vicki requested that I return to the Agency and see if I could ascertain what is being done by the Agency to inform current and former spouses and new Agency employees. She also anticipates that if these are recurrent problems which are being experienced across the board the SSCI will hold hearings on the implementation of this legislation during the upcoming Second Session.

8. Also attached to this memorandum are copies of correspondence which were given to me as examples of the problems former spouses are experiencing in this area.

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Attachments

Distribution:

- 1 - Leg File - Former Spouses (Permanent)
- 1 - OLL Chrono
- 1 - KAD Signer
- 1 - D/OLL
- ✓ 1 - DD/OLL

KAD:pap (10 January 1984)

RECOMMENDATIONS TO THE CENTRAL INTELLIGENCE AGENCY
WITH RESPECT TO FORMER SPOUSES OF EMPLOYEES

- I. CIA should take the responsibility to inform by individual letters all of the divorced dependent spouses of the existence of Title VI and what it can mean to them. If all of the people who need to know cannot be found, a press release should be issued to inform them of the existence and contents of Title VI.

Information to these spouses should include the following:

1. That he/she may be entitled to a share in the pension annuity and/or survivor annuity.
2. The criteria for entitlement.
3. The steps that must be followed to ensure entitlement--including any forms that are required and whether such forms must be notarized.

Dependent spouses should be given this information when employees enter on duty in the overseas career service, at the time of divorce (if it occurs), and again upon the employee's retirement.

A fact sheet should be put together, with the assistance of the Offices of General Counsel and Retirement Affairs, informing of all necessary steps to ensure retirement and survivor benefits are made available to every one eligible. These fact sheets should be available in the Family Employee Liaison Office (which currently is accessible only to persons with CIA connections) and to any attorney or spouse, current and former, who requests it.

II. The Family Employee Liaison Office should be developed into a strong and independent office. Both professionals and concerned volunteers and/or a genuinely powerful and effective ombudsman should be added to the staff. The Office should provide a communication channel for all Agency spouses, including former spouses. Assistance should be given to employees and to all family members.

III. The Office of Retirement Affairs should provide the House and Senate Committees with an annual report on the effectiveness of its efforts to implement Title VI, including the numbers of spouses communicated with and what efforts were made to inform and to assist CIA employees and their spouses under the Act.

IV. Medical records--including psychiatric evaluations and records of dependents, other evaluations--should be made available to dependents and former dependents without their having to use the Freedom of Information Act to obtain such information.

V. Information concerning legal responsibilities incurred as the result of a spouse's employment and/or any papers signed by the dependent in association with a spouse's employment should be set forth in writing by the Office of General Counsel and should be made available to any dependent or former spouse who requests such information.

5 January 1984

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November 21, 1983

Mr. Bernard Raimo
Select Committee on Intelligence
H 405, The Capitol
Washington DC 20515

Dear Bernie:

You asked me to document my experience with Agency vis a vis Title VI.

The enclosed letter from [] is the first correspondence I have received from the Agency concerning the pension my former husband and I will share now that he has retired (effective mid-July).

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My attorney [] sent copies of the final decree of divorce and the property settlement addenda [] in Personnel on March 9, 1983 with the request that we be informed if anything further was required. We received no response.

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I called [] and was told that my papers had arrived and would be given to the OGC and/or Retirement as was appropriate. I was warned that there was apt to be a delay of two to three months before we would begin receiving the retirement annuity. When my former husband retired in July, he informed me that everything had been taken care of and that there would not be any problems. (See [] letter to [] p. 2.)

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On August 10, 1983 I called the Retirement Affairs Branch and spoke with [] informed me that the copies of the divorce decree and Property Settlement were not satisfactory and that I would have to send "certified" copies of these documents. This was done before the end of August.

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[] assured me that a pro forma letter was to be sent to all former spouses who might qualify for a share in a pension at the time of the employees' retirement and that I would receive mine soon. To date, I have received no such letter.

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I called [] during the first week of October, and he reassured me that such a letter would be coming soon but that mine had been held up in the OGC where a ruling on the tax status of the wife's share in the retirement annuity was to be made on an "individual basis."

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[] wanted a "case by case" ruling. It seems to me that my tax liability--if it should exist (and that would violate the basic premise that the wife had earned her share of the retirement)--is not the concern of the CIA. 1

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I called [] in the OGC immediately after talking to Mr. [] and was left with the impression that she agreed with me on this matter. I have not been informed of the outcome of [] request to the OGC for a ruling on my tax status from the IRS via the OGC. STAT
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[] letter arrived on October 14. My lawyer composed the requested document which I signed under protest. On November 15, [] from Retirement called my attorney to say that a check was being sent to me immediately and that he needed my social security number. This was given to him and the first check arrived in the mail on the same day as a letter from my former husband who wrote that he was very upset that the Agency had managed to get things so confused. (See [] correspondence with []) STAT
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Several issues seem to me to be important.

- A. [] did not lose his pension by remarrying prior to age 60 and, while Title VI does contain such a stipulation with regard to the wife's share in the pension, my property settlement does not. The premise of "Title VI" is that the wife helped to earn the pension and there is now some precedent for saying that annuities are joint property. I feel that this is an issue which ought to be addressed. STAT
- B. The OGC (and presumably Retirement) should produce a fact sheet to tell us (CIA officers and current as well as former spouses) exactly what is required and what they want us to provide (certified copy of divorce and P.S., statement promising to inform them of subsequent marriage, wife's social security number, etc.). A person is at a tremendous disadvantage trying to deal with a system that will not permit anyone to know what the rules are. Even with a good and careful attorney (and all of the expenses that service implies) to work with the Agency, the disadvantage remains since the lawyer also cannot know the rules.

Please note the letter to [] from her lawyer Ms. [] as an example of the confusion that is the result of this dearth of information. STAT
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Apparently [] was also told that there were no application forms available and that there had only been one request to make use of the grace period for picking up the survivors' annuity and that it would show "great charity and kindness" were a retired husband to share his pension with a former wife. STAT

Back in February when she was approving various versions of the wording of my Property Settlement addenda, [] was very concerned that it gave me the full amount of the survivor's annuity. She was very upset that my husband was giving me more than the law set. I explained that he had suggested that we do this. She had seen my husband the week before and had told me before that meeting that she had to make sure that he knew that, from the Agency's point of view, he did not have to sign the PS if he did not want too. She was not content that he understood the ruling on the survivor annuity until I had given her his phone number and she had called him to make sure that he knew what he was doing. "Giving away the store" was the term that she used. I know of no wife who was STAT

called by the OGC to make sure that she knew or understood anything that might help or harm her. (I must insert here that [redacted] STAT has been most willing to talk with me and with my lawyer. She called me November 21 to explain why Title VI excludes the non-employee spouse from the annuity and survivor benefits should she remarry.)

- C. No former wife that I know of has received the letter stating that her husband has retired and that she may be eligible for a share in the annuity.
- D. A former spouse cannot know if she is receiving her fair share. The actual amount of the total pension is "privileged information." (In one case I was told recently about, the wife had returned to the States and needed to know with whom the family had its health insurance. The Agency refused to tell her.) How is a woman to know that she is receiving the full amount to which she is entitled? Even a small error could add up to a large sum over the years.

I believe that adequate information on Title VI has not been given even though it was passed over a year ago. The Agency's refusal to provide guidelines to the parties (who really do need to know) cannot possibly be justified on security grounds.

I know of no effort to contact the already divorced wives so that they could arrange to pick up the option which might be available to them under the law--an option which has expired unless your Committee is willing to extend the coverage. In early October 1983 I was put in touch with a woman who had worked for the CIA prior to her marriage and been required to give up her position in order to go overseas with her husband. She worked for the Agency following her divorce but is now employed outside. She lives in McLean. She knew absolutely nothing of Title VI.

On July 26, 1983, I was told by an Agency employee who has no immediate concern in these matters, that some employees flatly refused to take home a paper for their wives to sign which would have informed these women of their rights under the new law. I asked [redacted] about this in August and he did not seem to find it surprising. In fact, he suggested that quite a few had probably signed the forms themselves. STAT

If the people in the Office of General Counsel and the Retirement Affairs Branch do not intend to put real effort into seeing that this new law is implemented (and publicized) then women who are not informed will not benefit from it.

I have four suggestions to make:

- I. that the Agency be required to send each divorced (divorcing) wife a letter stating:
 - 1. she may be entitled to a share in the pension annuity and/or survivor annuity;
 - 2. the criteria for entitlement;
 - 3. the steps that must be followed to insure entitlement.

- II. that the Select Committee extend the provision for the already divorced wives to participate in the survivor annuity for another year and insist that the Agency inform them individually (Are not all CIA employees required to inform the organization each time that they are involved in a legal action? That would provide some record of these women.) or else that they issue a press release informing everyone of the existence and content of Title VI.
- III. that a fact sheet including the steps necessary should be made available both in the Family Employee Liaison Office and to any attorney who requests it. It will never be possible to enforce the implementation of Title VI as long as the regulations are "classified".
- IV. that a strong and independent Family Employee Liaison Office (see enclosed article from the Association of American Foreign Service Women's newsletter) manned by both professionals and concerned volunteers and/or a genuinely powerful and effective Ombudsman be developed to provide a communication channel for all Agency spouses--former and current.

Thank you very much for your time and attention.

Sincerely,



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cc: Ms. Vicky Tensing
Mr. Dan Finn

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